

## REMARKS

Claims 1-7, 9, 11-17, 19-24, 26, and 28-34 are pending. Claims 1-7, 9, 11-17, 19-24, 26, and 28-34 currently stand rejected. No claims are amended herein. Claims 8, 10, 18, 25, 27, and 35 have been previously canceled. The Applicant respectfully traverses the rejections and requests allowance of claims 1-7, 9, 11-17, 19-24, 26, and 28-34.

### *35 U.S.C. § 103(a) Rejection over Elsey in view of Midwest Region*

Claims 1-7, 9, 11-17, 19-24, 26, and 28-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Elsey (U.S. Patent No. 6,845,155) in view of Midwest Region ("Midwest Region: Primer for Local Number Portability," Issue 2, p. 1-31, 7/27/1997). The Applicant respectfully traverses the rejection for at least the following reasons.

### *Switch becomes disabled:*

It is respectfully asserted that the final Office Action mischaracterizes a *call center*, such as call center 1005 of Elsey, with a *switch*, such as switch 1003 of Elsey. In Elsey, switch 1003 routes calls to call center 1005, unless call center 1005 is out of order (Elsey, column 9, line 47). If *call center 1005* is out of order - not if switch 1003 is out of order - then *switch 1003* re-routes calls through another switch (switch 1009) to an alternate call center, such as call center 1007 (Elsey, column 9, lines 36-50). Claim 1 recites a much different configuration.

Claim 1 recites in part, "establishing a disaster recovery plan to terminate the at least one phone number at a second switch in response to the occurrence of a predetermined event, wherein the predetermined event is *when the first switch becomes disabled....*" If switch 1003 becomes disabled in Elsey, then *switch 1003* could not route calls intended for call center 1005 to switch 1009, and Elsey fails for its intended purpose. Thus, Elsey does not teach or suggest at least "establishing a disaster recovery plan to terminate the at least one phone number at a second switch in response to the occurrence of a predetermined event, wherein the predetermined event is *when the first switch becomes disabled....*" as recited in claim 1.

*Local copy of local number portability database directs to second switch:*

Furthermore, claim 1 recites “in response to the occurrence of the predetermined event, programming a local copy of a local number portability database to direct communications for the at least one phone number to the second switch....”

In Elsey, switch 1009 consults network processor 1011 and call routing server 108 to find an alternate call center *after the call has already been routed to switch 1009 by switch 1003* (Elsey, column 9, lines 50-59). Thus, network processor 1011 or call routing server 108 of Elsey are not programmed to direct communications for the at least one phone number *to the second switch* as recited in claim 1. Instead, network processor 1011 or call routing server 108 of Elsey instruct switch 1009 to route the call to *a call center*, not another *switch*. Therefore, Elsey does not teach or suggest at least “in response to the occurrence of the predetermined event, programming a local copy of a local number portability database to direct communications for the at least one phone number to the second switch...” as recited in claim 1.

*All phone numbers ported to second switch:*

Additionally, claim 1 recites “all the phone numbers actively terminated by the first switch are ported to the second switch....” As discussed above, *call center 1005* of Elsey is different from *switch 1003* of Elsey. Phone numbers handled by switch 1003 of Elsey are not *ported* to another switch, as discussed in claim 1. Instead, switch 1003 *still handles the same calls* after call center 1005 is out of order, and switch 1003 routes these calls to a different switch, such as switch 1009 (Elsey, column 9, lines 36-50). The calls handled by switch 1003 in Elsey are not *ported* to switch 1009, as recited in claim 1, and are instead *still routed* by switch 1003. Thus, switch 1003 remains operational in Elsey, even though call center 1005 may be out of order, and phone numbers are not *ported* to another switch as recited in claim 1.

The Office Action then attempts to combine Elsey with Midwest Region to attempt to overcome the shortcomings of Elsey (Office Action page 3). However, Midwest Region also does not teach or suggest at least the above cited portions of claim 1. Instead, Midwest Region teaches of an originating switch receiving a call request to a dialed phone number and responsively querying a database for an *alternate phone number prefix* (LRN) to direct a phone call to a different recipient switch when customers switch service providers or move geographic locations (Midwest Region, page 5, steps 2-3). It should be noted that the *alternate phone*

*number prefix (LRN) of Midwest Region identifies the recipient switch and thus is not the dialed phone number received at the originating switch. The recipient switch then replaces the incoming LRN digits with the dialed phone number (as stored in the GAP) to complete the call (Midwest Region, page 5, steps 6-7). Although Midwest Region discusses maintaining the same dialed number for a user to reach the dialed number at different switch (Midwest Region, page 5), Midwest Region operates similarly to Elsey, where dialed numbers are redirected to alternate routes. Moreover, Midwest Region teaches associating the dialed number with an alternate prefix to route the call to a different switch. Thus, Midwest Region does not teach or suggest “in response to the occurrence of the predetermined event...all the phone numbers actively terminated by the first switch are ported to the second switch...” as recited in claim 1. Therefore, the inclusion of Midwest Region does not overcome the shortcomings of Elsey, nor render such shortcomings obvious.*

Based on the above comments, Elsey and Midwest Region, neither separately, nor in combination, teach or suggest at least the above recited portions of claim 1. Thus, the Applicant contends that independent claim 1 is allowable, and such indication is respectfully requested. Independent claim 19 contains limitations similar to claim 1 and is therefore respectfully asserted to be allowable over the art of record for similar reasons as claim 1.

While separately allowable over the art of record, dependent claims 2-7, 9, 16, 17, 20-24, 26, 33, and 34 depend from otherwise allowable independent claims. The Applicant therefore refrains from a discussion of the rejection of claims 2-7, 9, 16, 17, 20-24, 26, 33, and 34 under 35 U.S.C. § 103(a) for the sake of brevity.

Thus, in light of the discussion above, the Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejections of claims 1-7, 9, 11-17, 19-24, 26, and 28-34.

### *35 U.S.C. § 103(a) Rejection over Elsey in view of Midwest Region and Ward*

Claims 11, 12, 28, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Elsey (U.S. Patent No. 6,845,155) in view of Midwest Region (“Midwest Region: Primer for Local Number Portability,” Issue 2, p. 1-31, 7/27/1997) and Ward (U.S. Patent No. 6,654,451). The Applicant respectfully traverses the rejection for at least the following reasons.

Claims 11 and 12 depend from independent claim 1 and claims 28 and 29 depend from

independent claim 19, thus incorporating the limitations of the associated independent claims. Therefore, the Applicant respectfully asserts that claims 11, 12, 28, and 29 are allowable for at least the reasons indicated above in support of claims 1 and 19, and such indication is respectfully requested.

Thus, in light of the discussion above, the Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 11, 12, 28, and 29.

*35 U.S.C. § 103(a) Rejection over Elsey in view of Midwest Region and Gibson*

Claims 13-15 and 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Elsey (U.S. Patent No. 6,845,155) in view of Midwest Region (“Midwest Region: Primer for Local Number Portability,” Issue 2, p. 1-31, 7/27/1997) and Gibson (U.S. Patent No. 7,076,045). The Applicant respectfully traverses the rejection for at least the following reasons.

Claims 13-15 depend from independent claim 1 and claims 30-32 depend from independent claim 19, thus incorporating the limitations of the associated independent claims. Therefore, the Applicant respectfully asserts that claims 13-15 and 30-32 are allowable for at least the reasons indicated above in support of claims 1 and 19, and such indication is respectfully requested.

Thus, in light of the discussion above, the Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 13-15 and 30-32.

## CONCLUSION

Based on the above remarks, the Applicant submits that the claims in their present form are allowable. The Applicant further submits that additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. No estoppel is intended, and no estoppel should apply, to assertions in the recent Office Action that are not refuted herein by the Applicant. The Applicant respectfully requests allowance of the claims at the Examiner's earliest convenience.

The Applicant believes no fees are due with respect to this filing. However, should the Office determine fees are necessary, the Office is hereby authorized to charge Deposit Account No. 210765, accordingly.

Respectfully submitted,

/David J. Bovitz/

**SIGNATURE OF PRACTITIONER**

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